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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,898	05/25/2005	Mark Thompson	10020/25102	3784
26646 7590 09/04/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
YAMNITZKY, MARIE ROSE				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
09/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,898

Applicant(s)

THOMPSON, MARK

Examiner

Marie R. Yamnitzky

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-102 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A charge transporting material comprising an organic matrix and a dopant, methods of making, methods of using, and articles comprising said material, wherein the dopant is selected from:

- (I) an organometallic dopant comprising at least one carborane ligand;
 - (II) a metallocene having the formula $M(L^1)(L^2)$ as defined in claim 46;
 - (III) an organometallic dopant of the formula $M(At)_4$ as defined in claim 57;
 - (IV) a dopant of the formula shown in claim 69;
 - (V) an organometallic dopant comprising at least one cyclopentadienyl ligand, and that is a dopant other than (II);
 - (VI) an organometallic dopant comprising at least one arene ligand, and that is a dopant other than (III);
 - (VII) an organometallic dopant that is a dopant other than (I), (II), (III), (V) or (VI);
 - (VIII) a dopant that is a dopant other than (I), (II), (III), (IV), (V), (VI) or (VII);
- and further wherein the charge transporting material is (A) an electron transporting material or (B) a hole transporting material;
- and further wherein the dopant is (C) oxidizable or (D) reducible or (E) stable to oxidation and reduction.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner. The present application contains 102 claims with numerous independent claims. Some of the independent and dependent claims cover more than one species, though no single claim is generic for all species. The examiner has listed the independent claims below based on the species which they appear to correspond to. In the absence of a positive recitation in an independent claim limiting to (A) or (B) as set forth above, the charge transporting material is considered to read on (A) and (B). Likewise, in the absence of a positive recitation in an independent claim limiting to (C), (D) or (E) as set forth above, the dopant is considered to read on any of (C)-(E). Note that not all dependent claims correspond to every species which the

related independent claim corresponds to. In making the election, applicant is required to identify each claim that reads on the elected species.

Claims 1, 83 and 93: (I)-(III),(V)-(VII)/(A)-(B)/(C)-(E);
Claims 6, 29, 84 and 94: (I)-(III),(V)-(VII)/(A)/(C)-(E);
Claims 18, 30, 85 and 95: (I)-(III),(V)-(VII)/(B)/(C)-(E);
Claims 31, 86, 96: (II),(V)/(A)-(B)/(C)-(E);
Claims 36, 87, 97: (III),(VI)/(A)-(B)/(C)-(E);
Claims 41, 88, 98: (I)/(A)-(B)/(C)-(E);
Claims 46, 89, 99: (II)/(A)-(B)/(C)-(E);
Claims 57, 90, 100: (III)/(A)-(B)/(C)-(E);
Claims 69, 91, 101: (IV)/(A)-(B)/(C)-(E);
Claims 78, 92, 102: In light of dependent claims 79-82, at least (VII)(A)(C); possibly others, but the scope of the dopant is not clear.

The following claim(s) are generic: None.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

The feature in common to each of the independent claims is a charge transporting material comprising an organic matrix. This feature does not represent a contribution over the prior art, and therefore does not constitute a special technical feature, because charge transporting materials comprising an organic matrix were known at the time of the present invention as evidenced by prior art of record. Further, the alternative species listed above with respect to the dopant do not all have a common property, do not all share a significant structural element, and do not all belong to a recognized class of chemical compounds.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 7:00 a.m. to 3:30 p.m. Monday-Friday.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

/Marie R. Yamnitzky/
Primary Examiner, Art Unit 1794

MRY
September 02, 2008